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W.P.No.27463 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.27463 of 2024

S.Easwaramoorthi

... Petitioner

Vs.

The Sub Registrar
Office Of The Sub Registrar, Palladam,
Palladam Taluk,
Tiruppur District.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in Refusal Number RFL / Palladam / 32 / 2024 dated 20.08.2024 on the file of the respondent and quash the same and consequently, direct the respondent to register the Agreement to Sell dated 16.08.2024 presented by the petitioner forthwith.

For Petitioner : M/s.N.S.Suganthan

For Respondents : M/s.C.Meera Arumuham, AGP,
for Sole respondent

ORDER

Challenging the refusal on the part of the respondent to register the agreement of sale deed dated 16.08.2024 presented by the petitioner, this writ petition has been filed.



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2. The property in respect of which the agreement of sale had been entered into was originally owned by one Ramsasamy Gounder through a partition deed dated 04.03.1964. He had died intestate on 13.07.1998 leaving behind him surviving his 3 children, a son and two daughters. After the demise of Ramsasamy Gounder, one of his daughters, namely, Lakshmi had passed away and his son Venkatachala Gounder had also passed away.

3. Thereafter, the petitioner had entered into a sale agreement with Rasammal @ Rasathal, the daughter of Ramasamy Gounder and the legal representatives of Lakshmi baring her daughter Parimala. When the said agreement of sale was presented for registration it was returned on the ground that out of 2.75 acres Venkatachala Gounder son of Ramasamy Gounder had already sold 2 acres and 58 cents leaving behind only an extent of 17 cents.

4. The petitioner would submit that the daughters of Ramasamy Gounder had filed a suit O.S.No.198 of 2005 on the file of District Munsif Court, Palladam for seeking a partition of their 1/6th share in the suit schedule property. The said suit was dismissed for default and the plaintiffs had filed an application for restoring the same with a delay. The said



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application is pending.

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5. The learned counsel for the petitioner would submit that what was sought to be registered is only an agreement of sale that has been entered into between the parties and it is needless to state that the petitioner is ultimately bound by the decree that is going to be passed in the suit O.S.No.198 of 2005. He would also submit that what has been purchased is only the share of the vendor and that Venkatachala Gounder had no authority to sell the entire property in which his sisters also had a share. Therefore, he would pray that the Writ Petition be allowed and the agreement of sale be registered.

6. Heard the learned counsel on either side.

7. The person who enters into an agreement of sale to purchase the property is presumed to have perused the title to the property and has after comprehending the risk with reference to the title entered into the agreement. The registering authority cannot act as a watchdog for every transaction by examining title. The purchaser is ultimately bound by whatever decision that a Civil Court would take as he steps into the shoes



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of his vendors and he derives only the right that they have in the property.

Further, Section 22-A of the Registration Act, which is inserted by the Tamil Nadu Act 48 of 1997, sets out the grounds under which the Registering Authority could refuse the registration. The reason that is given in the impugned order does not come within any of the grounds given in Section 22-A of the Registration Act. Therefore, the impugned order is not sustainable.

8. Accordingly, the Writ Petition is allowed. The impugned refusal check slip dated 20.08.2024 is set aside. The respondent is directed to register the agreement of sale dated 16.08.2024 within a period of two weeks from the date of its representation by the petitioner. No costs.

04.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

The Sub Registrar
Office Of The Sub Registrar, Palladam,
Palladam Taluk,



Tiruppur District.

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P.T. ASHA. J.,

(shr)



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